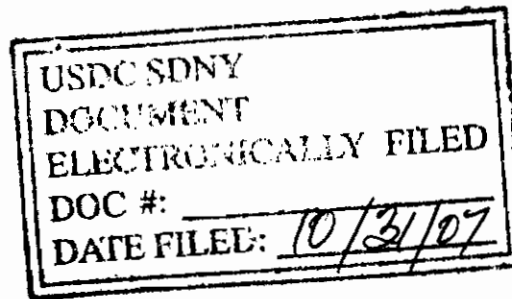


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October 4, 2007

BY TELEFAXHon. James C. Francis IV
United States Magistrate Judge
500 Pearl Street, Room 1960
New York, NY 10007-1312Re: Abdell, et al. v. City of New York, et al.
05 Civ. 8453 (KMK)(JCF)

Dear Judge Francis:

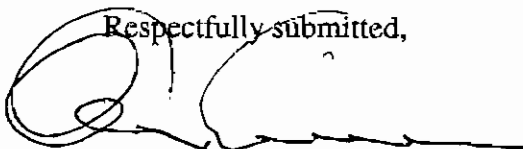
I am writing concerning a request we have made to the City that it produce the memo books of those NYPD officers who made arrests of the plaintiffs in this case. My letter requesting that production is attached as Exhibit 1. (Plaintiffs have already been provided the memo books for two of the officers listed in my letter, Monique Perez and Brian Wells). The reply email of ACC Jeffrey Dougherty rejecting that request is attached as Exhibit 2.

You will recall that memo books were among the NYPD documents discussed as part of the Court's global arrest documents decision in *MacNamara*. Your November 26, 2006 Memorandum and Order found unduly burdensome the request for the memo books of several hundred officers, none of whom were identified by name, shield number, or command, and the great majority of whom were not involved in the arrests of named plaintiffs. This request seeks the memo books of only 43 named officers (identifying their shield number and assignment), each of whom was the arresting officer of one or more plaintiffs in this action.

You have already ruled that officers being deposed in this action must produce their memo books in advance of the deposition. The production of arresting officers' memo books who are *not* being deposed is far less burdensome than requiring them to appear for deposition.

The memo books provide information about each plaintiff's arrest and that information is undeniably relevant to their claim that the arrests were unlawful. Accordingly, we ask that the Court direct that the City produce the memo books of the NYPD officers who arrested plaintiffs in this action.

Respectfully submitted,



Alan Levine

cc: Jeffrey Dougherty, Esq.
All RNC Counsel (By RNC Email Distribution List)

10/31/07

Application denied. This issue
was already addressed in my
November 13, 2006 Order at
pp. 14-16.

SO ORDERED.

James C. Francis IV
VSMJ